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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,926

02/01/2006

Joachim W. Zech

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02/04/2009

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EXAMINER

LOEWE, ROBERT S

ART UNIT

PAPER NUMBER

1796

NOTIFICATION DATE

DELIVERY MODE

02/04/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/566,926	<b>Applicant(s)</b> ZECH ET AL.	
	<b>Examiner</b> ROBERT LOEWE	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-12 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,5,6,11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments/Amendments*

Applicants arguments and amendments to the claims, filed on 12/23/08, collectively remove the previously relied upon prior art rejection of Bubblewitz et al. (US 2002/0147275). Specifically, the Examiner relied upon Bubblewitz et al. as teaching some of the claimed structures of component (c) of the instant claims. However, as pointed out by Applicants and agreed to by the Examiner, Bubblewitz et al. requires an ethynyl group moiety in all of the structures which were relied upon. Applicants limitation that "Y is a linear or branched **alkylene** group with 1 to 10 C atoms or a cycloalkyl group with 4 to 14 C atoms" does indeed exclude the structures taught by Bubblewitz et al. owing to the required ethynyl group taught by Bubblewitz et al. An ethynyl group cannot be considered as an alkenyl group and as such, the prior art rejection of Bubblewitz et al. is withdrawn.

Applicant's arguments and amendments to the claims with respect to Gray et al. have been fully considered and are not found to be persuasive. The Examiner agrees with the Applicants that Gray et al. does not teach or suggest dental impression materials; however, the compositions taught by Gray et al. only need to be capable of serving as dental impression materials. Since Gray et al. teaches the claimed ingredients for some of the claims as shown in the rejection below, it is implied that the materials taught by Gray et al. would indeed be capable of serving as dental impression materials. See MPEP 2111.02 (II) regarding preamble statements citing purpose or intended use.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 5, 6, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray et al. (US Pat. 5,595,826) and cited on a previous PTO-892 form.

Claims 2 and 12: Gray et al. teaches a curable organopolysiloxane composition comprising (a) 10 parts of an organopolysiloxane having at least two alkenyl groups (2:26-29), (b) an organohydrogenpolysiloxane (2:30-32), (c) a platinum addition catalyst (2:33-34), (d) a compound such as those taught in formula (13) of Gray et al. and (e) a condensation curing catalyst (2:41-43). The compounds represented by formula (13) are alkylsiloxanes which may have a carbinol group. Further, when R<sup>6</sup> of formula (13) is an alkyl group and R<sup>5</sup> is a vinyl group and R<sup>7</sup> is a carbinol functional aliphatic or aromatic radical, Gray et al. satisfies the structural limitations of formula (IIIa) of instant claim 2. Gray et al. further teaches that the components of the composition are mixed together, thus satisfying the method to prepare the composition of instant claim 12 (7:20-30).

Claim 5: Gray et al. further teaches that fillers may be added to the composition (7:3-11).

Claims 6 and 11: Gray et al. teaches the components (a)-(e) in amounts which satisfy the limitations of instant claim 6 (2:26-43). Further, Gray et al. teaches the addition of an adjuvant

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such as fillers, which may be present in amounts of from 10 to 400 parts by weight per 100 parts by weight of component (A) (7:3-11).

### *Allowable Subject Matter*

Claims 3, 4, 7, 9, 10 and 18-31 are allowed. Specifically, neither Bubblewitz et al. nor Gray et al. teach or suggests the limitations required by independent claims 3, 4, 7, 20, 24, 27 and 31. The point of novelty is believed to stem from the structure of component (c) of the instant claims. Specifically, the polysiloxanes of the instant claims must have at least one carbinol, carboxy, or amino substituent present. Konings et al. (US Pat. 5,371,162), not relied upon in any prior art rejection, teaches components (a), (b) (e) and an amino-functional component (c). However, Konings et al. does not teach or suggest the addition of a condensation curing catalyst [component (d)] required by the instant claims.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT LOEWE whose telephone number is (571)270-3298. The examiner can normally be reached on Monday through Friday from 5:30 AM to 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. L./

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9-Jan-09

/Randy Gulakowski/

Supervisory Patent Examiner, Art Unit 1796